

AMENDED IN ASSEMBLY JUNE 9, 2005

AMENDED IN ASSEMBLY JUNE 2, 2005

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 299

Introduced by Senator Chesbro

(Principal coauthor: Assembly Member Emmerson)

February 16, 2005

An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Chesbro. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law requires an applicant for licensure to take an examination before the board and meet certain other requirements.

Existing law requires an applicant to provide proof that he or she has either been in active clinical practice or a full-time faculty member in an accredited dental education program and in active clinical practice for at least 5,000 hours in 5 of the 7 years preceding his or her application. Existing law authorizes an applicant that proves at least 2 years of clinical practice or credit to complete the remainder of the requirement by filing a copy of a contract to practice dentistry full time in a clinic meeting specified requirements or in an accredited dental education program.

This bill would provide that the entire 5-year clinical practice requirement is met if an applicant agrees to teach or practice dentistry full time for 2 years in a qualifying clinic or accredited dental education program. The bill would authorize the board to impose restrictions on a license issued under these provisions on or after January 1, 2006, limiting the holder's practice to designated settings until expiration of the 2-year term.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1635.5 of the Business and Professions
2 Code is amended to read:
3 1635.5. (a) Notwithstanding Section 1634, the board may
4 grant a license to practice dentistry to an applicant who has not
5 taken an examination before the board, if the applicant submits
6 all of the following to the board:
7 (1) A completed application form and all fees required by the
8 board.
9 (2) Proof of a current license issued by another state to
10 practice dentistry that is not revoked or suspended or otherwise
11 restricted.
12 (3) Proof that the applicant has either been in active clinical
13 practice or has been a full-time faculty member in an accredited
14 dental education program and in active clinical practice for a
15 total of at least 5,000 hours in five of the seven consecutive years
16 immediately preceding the date of his or her application under
17 this section. The clinical practice requirement shall be deemed
18 met if documentation of any of the following is submitted:
19 (A) The applicant may receive credit for two of the five years
20 of clinical practice by demonstrating completion of a residency
21 training program accredited by the American Dental Association
22 Commission on Dental Accreditation, including, but not limited
23 to, a general practice residency, an advanced education in general
24 dentistry program, or a training program in a specialty
25 recognized by the American Dental Association.
26 (B) The applicant agrees to practice dentistry full time for two
27 years in at least one primary care clinic licensed under
28 subdivision (a) of Section 1204 of the Health and Safety Code or

primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code, or clinic owned or operated by a public hospital or health system, or clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code. The board may periodically request verification of compliance with these requirements, and may revoke the license upon a finding that the employment requirement, or any other requirement of this subparagraph, has not been met. Full-time status shall be defined by the board for the purposes of this subparagraph, and the board may establish exemptions to this requirement on a case-by-case basis.

(C) The applicant agrees to teach or practice dentistry full time for two years in at least one accredited dental education program as approved by the Dental Board of California. The board may periodically request verification of compliance with these requirements, and may revoke the license upon a finding that the employment requirement, or any other requirement of this subparagraph, has not been met. Full-time status shall be defined by the board for the purposes of this subparagraph, and the board may establish exemptions to this requirement on a case-by-case basis.

(4) Proof that the applicant has not been subject to disciplinary action by any state in which he or she is or has been previously licensed to practice dentistry. If the applicant has been subject to disciplinary action, the board shall review that action to determine if it presents sufficient evidence of a violation of Article 4 (commencing with Section 1670) to warrant the submission of additional information from the applicant or the denial of the application for licensure.

(5) A signed release allowing the disclosure of information from the National Practitioner Data Bank and the verification of registration status with the federal Drug Enforcement Administration. The board shall review this information to determine if it presents sufficient evidence of a violation of Article 4 (commencing with Section 1670) to warrant the submission of additional information from the applicant or the denial of the application for licensure.

1 (6) Proof that the applicant has not failed the examination for
2 licensure to practice dentistry under this chapter within five years
3 prior to the date of his or her application for a license under this
4 section.

5 (7) An acknowledgment by the applicant executed under
6 penalty of perjury and automatic forfeiture of license, of the
7 following:

8 (A) That the information provided by the applicant to the
9 board is true and correct, to the best of his or her knowledge and
10 belief.

11 (B) That the applicant has not been convicted of an offense
12 involving conduct that would violate Section 810.

13 (8) Documentation of 50 units of continuing education
14 completed within two years of the date of his or her application
15 under this section. The continuing education shall include the
16 mandatory coursework prescribed by the board pursuant to
17 subdivision (b) of Section 1645.

18 (9) Any other information as specified by the board to the
19 extent it is required of applicants for licensure by examination
20 under this article.

21 (b) The board shall provide in the application packet to each
22 out-of-state dentist pursuant to this section the following
23 information:

24 (1) The location of dental manpower shortage areas that exist
25 in the state.

26 (2) Those not-for-profit clinics and public hospitals seeking to
27 contract with licensees for dental services.

28 (c) (1) The board shall review the impact of this section on
29 the availability of dentists in California and report to the
30 appropriate policy and fiscal committees of the Legislature by
31 January 1, 2008. The report shall include a separate section
32 providing data specific to those dentists who intend to fulfill the
33 alternative clinical practice requirements of subparagraph (B) of
34 paragraph (3) of subdivision (a). The report shall include, but not
35 be limited to, all of the following:

36 (A) The total number of applicants from other states who have
37 sought licensure.

38 (B) The number of dentists from other states licensed pursuant
39 to this section, as well as the number of licenses not granted and
40 the reasons why each license was not granted.

1 (C) The location of the practice of dentists licensed pursuant to
2 this section.

3 (D) The number of dentists licensed pursuant to this section
4 who establish a practice in a rural area or in an area designated as
5 having a shortage of practicing dentists or no dentists at all.

6 (E) The length of time dentists licensed pursuant to this
7 section maintained their practice in the reported location. This
8 information shall be reported separately for dentists described in
9 subparagraphs (C) and (D).

10 (2) In identifying a dentist's location of practice, the board
11 shall use medical service study areas or other appropriate
12 geographic descriptions for regions of the state.

13 (3) If appropriate, the board may report the information
14 required by paragraph (1) separately for primary care dentists and
15 specialists.

16 (d) The board is authorized to contract with a third party or
17 parties to review applications filed under this section and to
18 advise the board as to whether the applications are complete. The
19 contracting party, its agents, and its employees shall agree to be
20 bound by all provisions of law applicable to the board, its
21 members, and staff, governing custody and confidentiality of
22 materials submitted by applicants for licensure.

23 (e) The board, in issuing a license under this section to an
24 applicant qualified under subparagraph (B) or (C) of paragraph
25 (3) of subdivision (a), may impose a restriction authorizing the
26 holder to practice dentistry only in the facilities described in
27 subparagraph (B) of paragraph (3) of subdivision (a) or only to
28 practice or teach dentistry at the accredited dental education
29 programs described in subparagraph (C) of paragraph (3) of
30 subdivision (a). Upon the expiration of the two-year term, all
31 restrictions on the license shall be removed and the holder is
32 authorized to practice dentistry in any setting in the state.

33 (f) Notwithstanding any other provision of law, a holder of a
34 license issued by the board before January 1, 2006, under this
35 section who committed to complete the remainder of the five
36 years of clinical practice requirement by a contract either to
37 practice dentistry full time in a facility described in subparagraph
38 (B) of paragraph (3) of subdivision (a) or to teach or practice
39 dentistry full time in an accredited dental education program
40 approved by the board, shall be required to complete only two

1 years of service under the contract *in order to fulfill his or her*
2 *obligation under this section*. Upon the expiration of that
3 two-year term, all restrictions on the license shall be removed
4 and the holder is authorized to practice dentistry in any setting in
5 the state.

6 (g) A license issued pursuant to this section shall be
7 considered a valid, unrestricted license for purposes of Section
8 1972.

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